

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s):	Hayato UJIIE, et al.	Group Art Unit:	2622
Filed:	March 11, 1999	Examiner:	SELBY, Gevell V.
For:	IMAGE SENSING APPARATUS	Customer No.:	27123

APPEAL BRIEF UNDER 37 C.F.R. §41.37

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits this Appeal Brief in support of the Appeal filed on October 16, 2006. The Commissioner is authorized to charge the requisite fee under §41.20(b)(2) in the amount of \$500.00, and any additional fees necessitated by this Brief to deposit account no. 13-4500 (Order No. 1232-4522).

Applicant respectfully requests that this Brief be fully considered by the Board and that the Examiner's rejection of the claims be reversed for the reasons stated herein.

I. REAL PARTY IN INTEREST

The real party in interest is Canon Kabushiki Kaisha, the assignee of this application.

II. RELATED APPEALS AND INTERFERENCES

Applicant is unaware of any related appeals and/or interferences.

III. THE STATUS OF CLAIMS

Claims 1-11, 13-29, 31-35, 50, 51, and 54-177 are pending in this application. Claims 1, 19, 20, 35, 50, 51, 54, 69, 70, 85, 86, 101, 102, 117, 118, 132, 133 and 147-159 are independent in form. Claims 1-11, 13-29, 31-35, 50, 51, and 54-177 stand rejected and are appealed. A complete copy of the claims involved in the appeal (as amended during the course of this application) is attached hereto.

IV. STATUS OF AMENDMENTS

Applicants filed a preliminary amendment on October 6, 2000.

In response to a non-final Office Action dated March 31, 2003, Applicants filed an Amendment on July 10, 2003. In response to a non-final Office Action dated September 25, 2003, Applicants filed an Amendment on December 29, 2003. In response to a final Office Action dated March 24, 2004, Applicants filed an Amendment on June 24, 2004. Applicants subsequently filed a Request for Continued Examination along with a Preliminary Amendment on July 26, 2004.

In response to a non-final Office Action dated September 10, 2004, Applicants filed an Amendment on December 10, 2004. In response to a final Office Action dated May 5, 2005, Applicants filed an Amendment on September 6, 2005 which was not entered. Applicants subsequently filed a Request for Continued Examination on October 3, 2005 to enter the previously submitted Amendment.

In response to a non-final Office Action dated December 22, 2005, Applicants submitted an Amendment on March 22, 2006. In response to the Final Office Action dated June 15, 2006, Applicants submitted a Request for Reconsideration on September 15, 2006. In response to the Advisory Action dated October 2, 2006, Applicants filed a Notice of Appeal on

October 16, 2006. No Amendments were filed after the Final Office Action dated June 15, 2006.

All filed Amendments have been entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

An image sensing apparatus, such as a still camera or video camera, has a lens (see Fig. 1, #11) that moves to image sensing (e.g. photographing) and non-image sensing (e.g. non-photographing) regions (See, e.g., Fig. 1 which shows a camera with an optical system in non photographing region, and Fig. 2 which shows digital camera with optical system in an extended period). The lens is driven by a driving device (e.g. motor, see Fig. 1, #11, Specification, page 5, line 20 – page 6, line 2) after a determination device (e.g. CPU, see Fig. 1, #17, Specification, page 6, line 25 – page 7, line 3) makes a determination as to how to operate the driving device based upon at least three individual determinations (see, e.g., Fig. 13). For example, a determination is made as to whether to drive the driving device after judging, individually, whether the apparatus is in an external control state, an image sensing state, or a playback state (see, e.g., Fig. 13).¹

The independent claims involved in the appeal are claims 1, 19, 20, 35, 50, 51, 54, 69, 70, 85, 86, 101, 102, 117, 118, 132, 133 and 147-159.

The apparatus as recited in independent claims 1, 20, 54, 70, 86, 102, 118, and 133 is directed to an image sensing apparatus, whereas the apparatus as recited in independent claims 19, 35, 69, 85, 101, 117, 132, and 147 is directed more specifically to a camera (see, e.g., Specification, p1, lines 7-9).

¹ The image sensing apparatus may, for example, be in a “PC mode” in which the camera may be connected to an external computer and exchange image data with the computer (See, e.g., Specification, page 25, lines 3-6); a “Rec mode” in which a user can sense an object while monitoring a live image displayed on the LCD (See, e.g., Specification, page 24, line 17-23); or a “Play mode” in which the image data is read out and displayed on the camera’s LCD or external display device (See, e.g., Specification, page 24, line 24 – page 25, line 2).

The image sensing apparatus as described in the independent claims contains a driving device that moves an image sensing optical system as follows:

- It moves the system to image sensing and non-image sensing regions (claims 1, 54, 86, and 118).
- It moves the system in extending and retracting directions (claim 20).
- It moves the system out and in (claims 70, 102, and 133).

(See, for example, Figure 13, Specification, page 25, line 12 – page 33, line 13).

Similarly, the camera as described in the independent claims contains a driving device that moves a photographing optical system as follows:

- It moves the system to photographing and non-photographing regions (claims 19, 69, 101, and 132).
- It moves the system in extending and retracting directions (claim 35).
- It moves the system out and in (claims 85, 117, and 147).

(See, for example, Figure 13, Specification, page 25, line 12 – page 33, line 13).

The image sensing apparatus as described in the independent claims also contains a determination device that judges at least whether the image sensing apparatus, individually:

- Is in an external control state in which the apparatus is controlled by an external controller unit, an image sensing state in which the apparatus is not controlled by the external controller unit, and a playback state in which the apparatus is not controlled by the external controller unit (claims 1 and 20).
- Is in a first state of being functionally connected with an external control unit, a second state for image sensing without being functionally connected with the external unit, and a third state for playback without being functionally connected with the external unit (claims 54 and 70).
- Is in a first mode for being functionally connected with an external unit, in a second mode for image sensing without being functionally connected with the external unit, and a third mode for playback without being functionally connected with the external unit (claims 86 and 102).
- Receives a signal related to image sensing from an external unit, in an image sensing mode for image sensing without receiving the signal related to image

sensing from the external unit, and playback mode for playback without receiving the signal related to image sensing from the external unit (claims 118 and 133).

(See, for example, Figure 13, Specification, page 25, line 12 – page 33, line 13).

Similarly, the camera as described in the independent claims also contains a determination device that judges at least whether the camera, individually:

- Is in an external control state in which the camera is controlled by an external controller, a photographing state in which the camera is not controlled by the external controller unit, and a playback state in which the camera is not controlled by the external controller unit (claims 19 and 35).
- Is in a first state of being functionally connected with an external unit, is in a second state for photographing without being functionally connected with the external unit, and a third state for playback without being functionally connected with the external unit (claims 69 and 85).
- Is in a first mode of being functionally connected with an external unit, is in a second mode for photographing without being functionally connected with the external unit, and a third mode for playback without being functionally connected with the external unit (claims 101 and 117).
- Receives a signal related to photographing from an external unit, is in a photographing mode for photographing without receiving a signal related to photographing from the external unit, and a playback mode for playback without receiving the signal related to the photographing from the external unit (claims 132 and 147).

(See, for example, Figure 13, Specification, page 25, line 12 – page 33, line 13)

Each of the independent claims further requires that the determination device determines the operation of the driving device in accordance with the judgment result of the determination device. (See, for example, Figure 13, Specification, page 25, line 12 – page 33, line 13).

Claim 50 is a method claim directed to the method of practicing the present invention corresponding to the apparatus of claim 1. Claim 51 is a method claim directed to the method of practicing the present invention corresponding to the apparatus of claim 19. Claim

148 is a method claim directed to the method of practicing the present invention corresponding to the apparatus of claim 54. Claim 149 is a method claim directed to the method of practicing the present invention corresponding to the apparatus of claim 69. Claim 150 is a method claim directed to the method of practicing the present invention corresponding to the apparatus of claim 70. Claim 151 is a method claim directed to the method of practicing the present invention corresponding to the apparatus of claim 85. Claim 152 is a method claim directed to the method of practicing the present invention corresponding to the apparatus of claim 54. Claim 153 is a method claim directed to the method of practicing the present invention corresponding to the apparatus of claim 101. Claim 154 is a method claim directed to the method of practicing the present invention corresponding to the apparatus of claim 133. Claim 155 is a method claim directed to the method of practicing the present invention corresponding to the apparatus of claim 147. Claim 156 is a method claim directed to the method of practicing the present invention corresponding to the apparatus of claim 118. Claim 157 is a method claim directed to the method of practicing the present invention corresponding to the apparatus of claim 132. Claim 158 is a method claim directed to the method of practicing the present invention corresponding to the apparatus of claim 132. Claim 159 is a method claim directed to the method of practicing the present invention corresponding to the apparatus of claim 117.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The issues on appeal are:

- whether claims 1-3, 15-22, 32-35, 50-51, 54-57, 62, 65, 67-70, 72, 81, 83-87, 89, 94, 97, 100-102, 104, 113, 115-120, 126, 128, 130-133, 143, 145-171, and 174-177 would have been obvious under 35 U.S.C. § 103(a) as being unpatentable over Saito (U.S. Patent No. 6,256,063), in view of Kobayashi (U.S. Patent No. 5,136,320).
- whether claims 4-6, 10-11, 23-25, 27-29, 58-60, 63-64, 74-76, 78-80, 90-92, 95-96, 106-108, 110-112, 121-123, 127, 136-138, 140-142, and 172-173

would have been obvious under 35 U.S.C. § 103(a) as being unpatentable over Saito, in view of Kobayashi, and further in view of Takahashi (U.S. Patent No. 5,210,567)

- whether claims 7-8, 13, 26, 30-31, 56, 61, 66, 77, 82, 88, 93, 98, 109, 114, 124, 125, 129, 139, and 144 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Saito, in view of Kobayashi, and further in view of Hashimoto (U.S. Patent No. 6,344,875).

VII. ARGUMENT

A. **Claims 1-11, 13-29, 31-35, 50, 51, and 54-177 Are Not Obvious Over Saito in View of Kobayashi Because Saito and Kobayashi Do Not Teach, Suggest, or Disclose a Driving Device That Moves an Image Sensing Optical System Based Upon a Determination Device to Move an Image Sensing Region Based on Three Separate States.**

Applicants request reconsideration and withdrawal of the pending rejections of claims 1-11, 13-29, 31-35, 50, 51, and 54-177.

Applicant's independent claim 1 recites:

1. An image sensing apparatus comprising:

a driving device that moves an image sensing optical system to image sensing and non image sensing regions; and

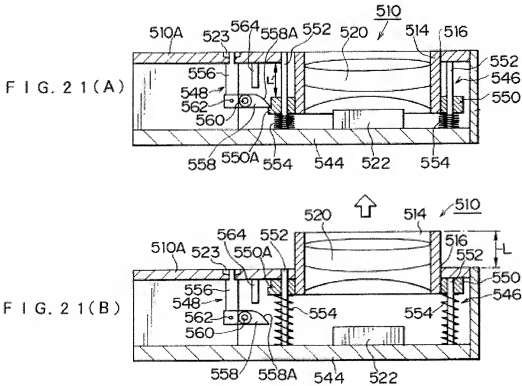
a **determination device that judges** at least whether said image sensing apparatus is in an **external control state** in which said apparatus is controlled by an external controller unit, whether said apparatus is in an **image sensing state** in which said apparatus is not controlled by the external control unit, and whether said apparatus is in a **playback state** in which said apparatus is not controlled by the external controller unit, individually, said **determination device also determining an operation of said driving device in accordance with a judgment result of said determination device.**

Claim language similar to the language emphasized above also is contained in independent claims 19, 20, 35, 50, 51, 54, 69, 70, 85, 86, 101, 102, 117, 118, 132, 133 and 147-159. The Patent Office has rejected each of the independent claims under 35 U.S.C. § 103(a) as being unpatentable over Saito in view of Kobayashi. Applicants respectfully submit that Saito and Kobayashi do not teach, suggest, or disclose a determination device that makes a

determination as to the operation of the driving device based on at least three separate states. Accordingly, the Patent Office has not presented a *prima facie* case of obviousness because the cited prior art does not teach or suggest all of the claim limitations. See In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed Cir 1991); In re Royka, 490 2.d 981, 180 U.S.P.Q. 580 (CCPA 1974). Accordingly, the rejections of these independent claims as allegedly being obvious are improper.

1. Saito Does Not Teach, Suggest, or Disclose a Driving Device That Moves an Image Sensing Optical System Based Upon a Determination Device to Move an Image Sensing Region Based on Three Separate States.

Saito is directed to an electronic camera which is able to lessen the amount of trouble of inserting and drawing a PC card during photographing or when image data is transferred to a host computer. [Saito, Abstract]. Several embodiments of Saito display a projection mechanism for driving a zoom lens into a projected state. For example, Figures 21(A) and 21(B), reproduced below, demonstrate the camera of Saito with a lens in a non-extended (Fig. 21(A)) and an extended (Fig. 21(B)) condition.



Saito describes the process for projecting the “driving device” as follows:

“The lens frame 514 projects from the aperture 516 by the projecting mechanism when the lock release button 523 is pressed at the time of photographing.” [col. 19, lines 57-60].

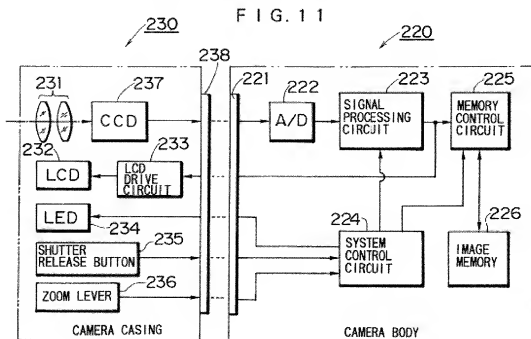
In other words, the determination in Saito is made based upon a human inputted contact with a lock release button. There is no teaching, suggestion, or disclosure of a determination device that determines how to operate a driving device based upon a judgment as to whether the image sensing system is in at least one of three states.

Saito also refers to a zoom lens, which is the feature that the Office Action bases its rejection on. In the Advisory Action issued on October 2, 2006, the Patent Office stated that:

“The Saito reference also discloses the system controller or determination device determines an operation of said driving device in accordance with a judgment result of said determination device, **by detecting the operation of the zoom lever (236)**, the system controller determines to drive or optically zoom the zoom lens (231) in accordance with the judgment result that the is in an image sensing state in which said apparatus is not controlled by the

external controller unit (see column 13, lines 33-38)." [Advisory Action, p. 2-3].

These features are illustrated in Figure 11, reproduced below.



Again, however, the determination device requires human input in order to cause the lens to move.

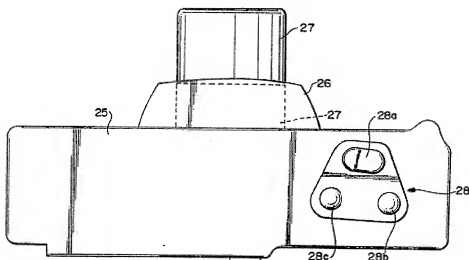
Accordingly, the determination device in Saito determines how to drive the driving device based upon instructions from a human input to the zoom lever. Saito does not teach a determination as to how to drive the determination device based upon whether the apparatus is in at least one of three states. Applicants respectfully submit that making a determination based upon the detection of the operation of a zoom lever is not the same as making a determination as to the operation of a driving device based upon whether the apparatus is in at least one of three separate states.

2. Kobayashi Does Not Teach, Suggest, or Disclose a Driving Device That Moves an Image Sensing Optical System Based Upon a Determination Device to Move an Image Sensing Region Based on Three Separate States.

With respect to the secondary reference, the Patent Office has not indicated that Kobayashi contains any teaching, suggestion, or disclosure of a determination device that determines how to drive an optical system based upon whether the apparatus is in one of at least three separate states. Nevertheless, we have reviewed Kobayashi and have not found any disclosure of this feature.

Kobayashi is directed to a camera that has a motor for moving a lens associated with the camera. [Abstract]. Kobayashi discloses a zoom lens, as demonstrated in Figure 3 reproduced below, that may be moved between a storage position (shown as a broken line in Fig. 3) and an extended position (shown by a solid line in Fig. 3). [col. 9, lines 15-18].

Fig. 3



To extend the zoom lens 11 from the camera body, a portion of one of the operation buttons must be depressed. [col. 9, lines 41-45]. To retract the lens 11, a different button must be depressed. [col. 9, lines 45-49]. In other words, the driving of the zoom optical device in Kobayashi

requires instructions from human input. There is no determination device that determines how to drive the zoom optical system based upon whether the system is in at least one of at least three different states.

**3. Claims 1-11, 13-29, 31-35, 50, 51, and 54-177
Are Allowable in View of the Cited Prior Art.**

For at least the reasons discussed hereinabove, Applicants believe that independent claims 19, 20, 35, 50, 51, 54, 69, 70, 85, 86, 101, 102, 117, 118, 132, 133 and 147-159 and claims depending therefrom are not disclosed, taught and suggested by Saito alone or in combination with Kobayashi or other references of record, and respectfully submit that these claims are believed allowable.

For at least the same reasons, Applicant respectfully submits that the rejections of claims 4-6, 10-11, 23-25, 27-29, 58-60, 63-64, 74-76, 78-80, 90-92, 95-96, 106-108, 110-112, 121-123, 127, 136-138, 140-142, and 172-173, which each depend from the above mentioned independent claims, are also improper and that the claims should be allowed.

For at least the same reasons, Applicant respectfully submits that the rejections of claims 7-8, 13, 26, 30-31, 56, 61, 66, 77, 82, 88, 93, 98, 109, 114, 124, 125, 129, 139, and 144, which each depend from the above mentioned independent claims, are also improper and that the claims should be allowed.

CONCLUSION

The Examiner has found no reference or references that individually or in combination disclose, teach, or suggest the claimed invention, and Applicant believes that all pending claims are allowable. Applicant therefore respectfully requests that the Examiner's rejection be reversed.

AUTHORIZATION

The Commissioner is hereby authorized to charge any fees which may be required for this Appeal Brief, or credit any overpayment to Deposit Account No. 13-4500, Order No. 1232-4522.

Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this submission timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No. 4522.

Respectfully submitted,

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VIII – CLAIMS APPENDIX

1. (previously presented): An image sensing apparatus comprising:
a driving device that moves an image sensing optical system to image sensing and non image sensing regions; and
a determination device that judges at least whether said image sensing apparatus is in an external control state in which said apparatus is controlled by an external controller unit, whether said apparatus is in an image sensing state in which said apparatus is not controlled by the external controller unit, and whether said apparatus is in a playback state in which said apparatus is not controlled by the external controller unit, individually, said determination device also determining an operation of said driving device in accordance with a judgment result of said determination device.

2. (previously presented): An apparatus according to claim 1, wherein
in a case where said determination device judges that said image sensing apparatus is in the external control state, said determination device causes said driving device to drive said image sensing optical system to the image sensing region.

3. (previously presented): An apparatus according to claim 1, wherein
said determination device causes said driving device to drive said image sensing optical system to the image sensing region in response to a reception of an image sensing signal from the external controller unit, in a case where said determination device determines that said image sensing apparatus is in the external control state.

4. (original): An apparatus according to claim 3, wherein
said determination device causes said driving device to drive said image sensing optical system to the non image sensing region, in response to a completion of an image sensing

operation of said apparatus.

5. (original): An apparatus according to claim 3, wherein

said determination device comprises a timer for causing said driving device to drive said image sensing optical system to the non image sensing region, a predetermined time period after a completion of an image sensing operation of said apparatus.

6. (previously presented): An apparatus according to claim 5, wherein

in a case where the image sensing signal is input again from the external controller unit during the predetermined time period, said determination device prevents said driving device from driving said image sensing optical system to the non image sensing region, after the predetermined time period elapses.

7. (previously presented): An apparatus according to claim 1, wherein said

determination device positions said image sensing optical system in the non image sensing region, in a case where said determination device judges that said apparatus is in the external control state.

8. (previously presented): An apparatus according to claim 1, wherein

said determination device prevents said driving device from driving said image sensing optical system to the image sensing region, in a case where said determination device judges that said apparatus is in the external control state.

9. (previously presented): An apparatus according to claim 1, wherein

in a case where said determination device judges that said apparatus is in the external control state, said determination device causes said driving device to drive said image sensing optical system to the image sensing region in response to a completion of an image sensing operation of said apparatus.

10. (previously presented): An apparatus according to claim 1, wherein said determination device comprises a timer for causing said driving device to drive said image sensing optical system to the non image sensing region a predetermined time period after a completion of an image sensing operation of said apparatus, in a case where said determination device judges that said apparatus has been set in the external control state.

11. (original): An apparatus according to claim 10, wherein in a case where an image sensing signal is input again from the external controller unit during the predetermined time period, said determination device prevents said driving device from driving said image sensing optical system to the non image sensing region after the predetermined time period elapses.

12. (canceled)

13. (previously presented): An apparatus according to claim 1, further comprising: an operation device that selectively sets said apparatus into the image sensing state, the playback state or the external control states, wherein said operation device is provided on an exterior of said apparatus.

14. (previously presented): An apparatus according to claim 1, further comprising: a signal processing device that converts, in a case where said apparatus is in the image sensing states, an optical image formed by the optical system, into an electrical signal for photography.

15. (original): An apparatus according to claim 1, wherein the non image sensing region includes a position where said optical system is stored.

16. (previously presented): An apparatus according to claim 1, wherein the non image sensing region includes a predetermined position where the optical system is collapsed in a body

of said image sensing apparatus.

17. (previously presented): An apparatus according to claim 1, wherein said determination device judges a state controlled by an external computer as the external control state.

18. (original): An apparatus according to claim 1, wherein said driving device includes a motor.

19. (previously presented): A camera comprising:
a driving device that moves a photographing optical system to photographing and non photographing regions; and

a determination device that judges at least whether said camera is in an external control state in which said camera is controlled by an external controller unit, whether said camera is in a photographing state in which said camera is not controlled by the external controller unit, and whether said camera is in a playback state in which said camera is not controlled by the external controller unit, individually, said determination device also determining an operation of said driving device in accordance with a judgment result of said determination device.

20. (previously presented): An image sensing apparatus comprising:
a driving device that moves an image sensing optical system in extending and retracting directions; and

a determination device that judges at least whether said image sensing apparatus is in an external control state in which said apparatus is controlled by an external controller unit, whether said apparatus is in an image sensing state in which said image sensing apparatus is not controlled by the external controller unit, and whether said apparatus is in a playback state in which said apparatus is not controlled by the external controller unit, individually, said

determination device also determining an operation of said driving device in accordance with a judgment result of said determination device.

21. (previously presented): An apparatus according to claim 20, wherein
in a case where said determination device judges that said image sensing apparatus is in the external control state, said determination device causes said driving device to drive said image sensing optical system in the extending direction.

22. (previously presented): An apparatus according to claim 20, wherein
said determination device causes said driving device to drive said image sensing optical system in the extending direction in response to a reception of an image sensing signal from the external controller unit, in a case where said determination device determines that said image sensing apparatus is in the external control state.

23. (original): An apparatus according to claim 22, wherein
said determination device causes said driving device to drive said image sensing optical system in the retracting direction, in response to a completion of an image sensing operation of said apparatus.

24. (original): An apparatus according to claim 22, wherein said determination device comprises a timer for causing said driving device to drive said image sensing optical system in the retracting direction, a predetermined time period after a completion of an image sensing operation of said apparatus.

25. (previously presented): An apparatus according to claim 24, wherein
in a case where the image sensing signal is input again from the external controller unit during the predetermined time period, said determination device prevents said driving device from driving said image sensing optical system in the retracting direction, after the

predetermined time period elapses.

26. (previously presented): An apparatus according to claim 20, wherein said determination device prevents said driving device from driving said image sensing optical system in the extending direction, in a case where said determination device judges that said apparatus is in the external control state.

27. (previously presented): An apparatus according to claim 20, wherein in a case where said determination device judges that said apparatus is in the external control state, said determination device causes said driving device to drive said image sensing optical system in the retracting direction in response to a completion of an image sensing operation of said apparatus.

28. (previously presented): An apparatus according to claim 20, wherein said determination device comprises a timer for causing said driving device to drive said image sensing optical system in the retracting direction a predetermined time period after a completion of an image sensing operation of said apparatus, in a case where said determination device judges that said apparatus has been in the external control state.

29. (original): An apparatus according to claim 28, wherein in a case where an image sensing signal is input again from the external controller unit during the predetermined time period, said determination device prevents said driving device from driving said image sensing optical system in the retracting direction after the predetermined time period elapses.

30. (canceled).

31. (previously presented): An apparatus according to claim 20, further comprising: an operation device that selectively sets said apparatus into the image sensing state, the

playback state or the external control state, wherein said operation device is provided on an exterior of said apparatus.

32. (previously presented): An apparatus according to claim 20, further comprising:
a signal processing device that converts, in a case where said apparatus is in the image sensing state, an optical image formed by the optical system, into an electrical signal for photography.

33. (previously presented): An apparatus according to claim 20, wherein
said determination device determines a state controlled by an external computer as the external control state.

34. (original): An apparatus according to claim 20, wherein said driving device includes a motor.

35. (previously presented): A camera comprising:
a driving device that moves a photographing optical system in extending and retracting directions; and
a determination device that judges at least whether said camera is in an external control state in which said camera is controlled by an external controller unit, whether said camera is in a photographing state in which said camera is not controlled by the external controller unit, and whether said camera is in a playback state in which said camera is not controlled by the external controller unit, individually, said determination device also determining an operation of said driving device in accordance with a judgment result of said determination device.

36-49. (Canceled).

50. (previously presented): A control method for an image sensing apparatus comprising:

a first step for judging at least whether said image sensing apparatus is in an external control state in which said apparatus is controlled by an external controller unit, whether said apparatus is in an image sensing state in which said apparatus is not controlled by the external controller unit, and whether said apparatus is in a playback state in which said apparatus is not controlled by the external unit, individually,

a second step for determining an operation of a driving device to drive an image sensing optical system to image sensing and non image sensing regions in accordance with a judgment result of said first step.

51. (previously presented) A control method for an image sensing apparatus comprising:

a first step for judging at least whether said image sensing apparatus is in an external control state in which said apparatus is controlled by an external controller unit, whether said apparatus is in a photographing state in which said apparatus is not controlled by the external controller unit and whether said apparatus is in a playback state in which said apparatus is not controlled by the external controller unit, individually,

a second step for determining an operation of a driving device to drive an image sensing optical system in extending and retracting directions in accordance with a judgment result of said first step.

52-53. (Canceled)

54. (previously presented): An image sensing apparatus comprising:

a driving device that moves an image sensing optical system to image sensing and non image sensing regions; and

a determination device that judges at least whether said image sensing apparatus is in a first state of being functionally connected with an external unit, whether said apparatus is in a

second state for image sensing without being functionally connected with the external unit, and whether said apparatus is in a third state for playback without being functionally connected with the external unit, individually, said determination device also determining an operation of said driving device in accordance with a judgment result of said determination device.

55. (previously presented): An image sensing apparatus according to claim 54, wherein said determination device causes said driving device to move the image sensing optical system to the image sensing region, in a case where said determination device judges that said image sensing apparatus is in the first state.

56. (previously presented): An image sensing apparatus according to claim 54, wherein said determination device causes said driving device to move the image sensing optical system to the non image sensing region, in a case where said determination device judges that said image sensing apparatus is released from the first state.

57. (previously presented): An image sensing apparatus according to claim 54, wherein said determination device causes said driving device to move the image sensing optical system to the image sensing region, in a case where said determination device judges that said image sensing apparatus is in the first state, in response to a reception of a signal related to image sensing start from the external unit.

58. (previously presented): An image sensing apparatus according to claim 57, wherein said determination device causes said driving device to move the image sensing optical system to the non image sensing region, in a case where said determination device judges that said image sensing apparatus is in the first state, in response to a completion of an image sensing operation of said image sensing apparatus.

59. (previously presented): An image sensing apparatus according to claim 57, wherein said determination device comprises a timer for causing said driving device to move the image sensing optical system to the non image sensing region, in a case where said determination device judges that said image sensing apparatus is in the first state, a predetermined time period after a completion of an image sensing operation of said image sensing apparatus.

60. (previously presented): An image sensing apparatus according to claim 59, wherein in a case where the signal related to image sensing start is received again from the external unit during the predetermined time period, said determination device prevents said driving device from moving the image sensing optical system to the non image sensing region after the predetermined time period elapses.

61. (previously presented): An image sensing apparatus according to claim 54, wherein said determination device prevents said driving device from moving the image sensing optical system to the image sensing region in a case where said determination device judges that said image sensing apparatus is in the first state.

62. (previously presented): An image sensing apparatus according to claim 54, wherein in a case where said determination device judges that said image sensing apparatus is in the first state, said determination device causes said driving device to move the image sensing optical system to the non image sensing region in response to a completion of an image sensing operation of said image sensing apparatus.

63. (previously presented): An image sensing apparatus according to claim 54, wherein said determination device comprises a timer for causing said driving device to move the image sensing optical system to the non image sensing region a predetermined time period after a

completion of an image sensing operation of said image sensing apparatus, in a case where said determination device judges that said image sensing apparatus is in the first state.

64. (previously presented): An image sensing apparatus according to claim 63, wherein in a case where a signal related to image sensing start is received from the external unit during the predetermined time period, said determination device prevents said driving device from moving the image sensing optical system to the non image sensing region after the predetermined time period elapses.

65. (previously presented): An image sensing apparatus according to claim 54, wherein in a case where said determination device judges that said image sensing apparatus is in the third state, said determination device prevents said driving device from moving the image sensing optical system to the image sensing region.

66. (previously presented): An image sensing apparatus according to claim 54, further comprising:

an operation device for selectively setting said apparatus into the first state, the second state or the third state, wherein said operation device is provided at a position where a user can operate said operation device.

67. (previously presented): An image sensing apparatus according to claim 54, further comprising:

a signal processing device that converts an optical image formed by the optical system into an electrical signal for display in a case where said image sensing apparatus is in the second state.

68. (previously presented): An image sensing apparatus according to claim 54, wherein said determination device judges a state controlled by an external computer as the first state.

69. (previously presented): A camera, comprising:

a driving device that moves a photographing optical system to photographing and non photographing regions; and

a determination device that judges at least whether said camera is in a first state of being functionally connected with an external unit, whether said camera is in a second state for photographing without being functionally connected with the external unit, and whether said camera is in a third state for playback without being functionally connected with the external unit, individually, said determination device also determines determining an operation of said driving device in accordance with a judgment result of said determination device.

70. (previously presented): An image sensing apparatus, comprising:

a driving device that moves out and moves in an image sensing optical system; and

a determination device that judges at least whether said image sensing apparatus is in a first state of being functionally connected with an external unit, whether said apparatus is in a second state for image sensing without being functionally connected with the external unit, and whether said apparatus is in a third state for playback without being functionally connected with the external unit, individually, said determination device also determining an operation of said driving device in accordance with a judgment result of said determination device.

71. (previously presented): An image sensing apparatus according to claim 70, wherein in a case where said determination device judges that said image sensing apparatus is in the first state, said determination device causes said driving device to move out the image sensing optical system.

72. (previously presented): An image sensing apparatus according to claim 70, wherein said determination device causes said driving device to move in the image sensing optical

system, in a case where said determination device judges that said image sensing apparatus is released from the first state.

73. (previously presented): An image sensing apparatus according to claim 70, wherein said determination device causes said driving device to move out the image sensing optical system, in a case where said determination device judges that said image sensing apparatus is in the first state, in response to a reception of a signal related to image sensing start from the external unit.

74. (previously presented): An image sensing apparatus according to claim 73, wherein said determination device causes said driving device to move in the image sensing optical system, in a case where said determination device judges that said image sensing apparatus is in the first state, in response to a completion of an image sensing operation of said image sensing apparatus.

75. (previously presented): An image sensing apparatus according to claim 73, wherein said determination device comprises a timer for causing said driving device to move in the image sensing optical system, in a case where said determination device judges that said image sensing apparatus is in the first state, a predetermined time period after a completion of an image sensing operation of said image sensing apparatus.

76. (previously presented): An image sensing apparatus according to claim 75, wherein in a case where the signal related to image sensing start is received again from the external unit during the predetermined time period, said determination device prevents said driving device from moving in the image sensing optical system after the predetermined time period elapses.

77. (previously presented): An image sensing apparatus according to claim 70, wherein said determination device prevents said driving device from moving out the image sensing

optical system in a case where said determination device judges that said image sensing apparatus is in the first state.

78. (previously presented): An image sensing apparatus according to claim 70, wherein in a case where said determination device judges that said image sensing apparatus is in the first state, said determination device causes said driving device to move in the image sensing optical system in response to a completion of an image sensing operation of said image sensing apparatus.

79. (previously presented): An image sensing apparatus according to claim 70, wherein said determination device comprises a timer for causing said driving device to move in the image sensing optical system a predetermined time period after a completion of an image sensing operation of said image sensing apparatus, in a case where said determination device judges that said image sensing apparatus is in the first state.

80. (previously presented): An image sensing apparatus according to claim 79, wherein in a case where a signal related to image sensing start is received from the external unit during the predetermined time period, said determination device prevents said driving device from moving in the image sensing optical after the predetermined time period elapses.

81. (previously presented): An image sensing apparatus according to claim 70, wherein in a case where said determination device judges that said image sensing apparatus is in the third state, said determination device prevents said driving device from moving out the image sensing optical system.

82. (previously presented): An image sensing apparatus according to claim 70, further comprising:

an operation device for selectively setting said apparatus into the first state, the second state or the third state, wherein said operation device is provided at a position where a user can operate said operation device.

83. (previously presented): An image sensing apparatus according to claim 70, further comprising:

a signal processing device that converts an optical image formed by the optical system into an electrical signal for display in a case where said image sensing apparatus is in the second state.

84. (previously presented): An image sensing apparatus according to claim 70, wherein said determination device judges a state controlled by an external computer as the first state.

85. (previously presented): A camera, comprising:

a driving device that moves out and moves in a photographing optical system; and

a determination device that judges at least whether said camera is in a first state of being functionally connected with an external unit, whether said camera is in a second state for photographing without being functionally connected with the external unit, and whether said camera is in a third state for playback without being functionally connected with the external unit, individually, said determination device also determining an operation of said driving device in accordance with a judgment result of said determination device.

86. (previously presented): An image sensing apparatus, comprising:

a driving device that moves an image sensing optical system to image sensing and non image sensing regions; and

a determination device that judges at least whether said image sensing apparatus is set in a first mode for being functionally connected with an external unit, whether said apparatus is set

in a second mode for image sensing without being functionally connected with the external unit and whether said apparatus is set in a third mode for playback without being functionally connected with the external unit, individually, said determination device also determining an operation of said driving device in accordance with a judgment result of said determination device.

87. (previously presented): An image sensing apparatus according to claim 86, wherein said determination device causes said driving device to move the image sensing optical system to the image sensing region, in a case where said determination device judges that said image sensing apparatus is set in the first mode.

88. (previously presented): An image sensing apparatus according to claim 86, wherein said determination device causes said driving device to move the image sensing optical system to the non image sensing region, in a case where said determination device judges that said image sensing apparatus is released from the first mode.

89. (previously presented): An image sensing apparatus according to claim 86, wherein said determination device causes said driving device to move the image sensing optical system to the image sensing region, in a case where said determination device judges that said image sensing apparatus is set in the first mode, in response to a reception of a signal related to image sensing start from the external unit.

90. (previously presented): An image sensing apparatus according to claim 89, wherein said determination device causes said driving device to move the image sensing optical system to the non image sensing region, in a case where said determination device judges that said image sensing apparatus is set in the first mode, in response to a completion of an image sensing operation of said image sensing apparatus.

91. (previously presented): An image sensing apparatus according to claim 89, wherein said determination device comprises a timer for causing said driving device to move the image sensing optical system to the non image sensing region, in a case where said determination device judges that said image sensing apparatus is set in the first mode, a predetermined time period after a completion of an image sensing operation of said image sensing apparatus.

92. (previously presented): An image sensing apparatus according to claim 91, wherein in a case where the signal related to image sensing start is received again from the external unit during the predetermined time period, said determination device prevents said driving device from moving the image sensing optical system to the non image sensing region after the predetermined time period elapses.

93. (previously presented): An image sensing apparatus according to claim 86, wherein said determination device prevents said driving device from moving the image sensing optical system to the image sensing region in a case where said determination device judges that said image sensing apparatus is set in the first mode.

94. (previously presented): An image sensing apparatus according to claim 86, wherein in a case where said determination device judges that said image sensing apparatus is set in the first mode, said determination device causes said driving device to move the image sensing optical system to the non image sensing region in response to a completion of an image sensing operation of said image sensing apparatus.

95. (previously presented): An image sensing apparatus according to claim 86, wherein said determination device comprises a timer for causing said driving device to move the image sensing optical system to the non image sensing region a predetermined time period after a

completion of an image sensing operation of said image sensing apparatus, in a case where said determination device judges that said image sensing apparatus is set in the first mode.

96. (previously presented): An image sensing apparatus according to claim 95, wherein in a case where a signal related to image sensing start is received from the external unit during the predetermined time period, said determination device prevents said driving device from moving the image sensing optical system to the non image sensing region after the predetermined time period elapses.

97. (previously presented): An image sensing apparatus according to claim 86, wherein in a case where said determination device judges that said image sensing apparatus is in the third mode, said determination device prevents said driving device from moving the image sensing optical system to the image sensing region.

98. (previously presented): An image sensing apparatus according to claim 86, further comprising:

an operation device that selectively sets said apparatus into the first mode, the second mode or the third mode, wherein said operation device is provided at a position where a user can operate said operation device.

99. (previously presented): An image sensing apparatus according to claim 86, further comprising:

a signal processing device that converts an optical image formed by the optical system into an electrical signal for display in a case where said image sensing apparatus is set in the second mode.

100. (previously presented): An image sensing apparatus according to claim 86, wherein said determination device judges a state controlled by an external computer as the first state.

101. (previously presented): A camera, comprising:

a driving device that moves a photographing optical system to photographing and non photographing regions; and

a determination device that judges at least whether said camera is in a first mode of being functionally connected with an external unit, whether said camera is in a second mode for photographing without being functionally connected with the external unit and whether said camera is in a third mode for playback without being functionally connected with the external unit, individually, said determination device also determining an operation of said driving device in accordance with a judgment result of said determination device.

102. (previously presented): An image sensing apparatus, comprising:

a driving device that moves out and moves in an image sensing optical system; and

a determination device that judges at least whether said image sensing apparatus is in a first mode ~~for~~ of being functionally connected with an external unit, whether said apparatus is in a second mode for image sensing without being functionally connected with the external unit, and whether said apparatus is in a third mode for playback without being functionally connected with the external unit, individually, said determination device also determining an operation of said driving device in accordance with a judgment result of said determination device.

103. (previously presented): An image sensing apparatus according to claim 102, wherein said determination device causes said driving device to move out the image sensing optical system, in a case where said determination device judges that said image sensing apparatus is set in the first mode.

104. (previously presented): An image sensing apparatus according to claim 102, wherein said determination device causes said driving device to move in the image sensing optical system, in a case where said determination device judges that said image sensing apparatus is released from the first mode.

105. (previously presented): An image sensing apparatus according to claim 102, wherein said determination device causes said driving device to move out the image sensing optical system, in a case where said determination device judges that said image sensing apparatus is set in the first mode, in response to a reception of a signal related to image sensing start from the external unit.

106. (previously presented): An image sensing apparatus according to claim 105, wherein said determination device causes said driving device to move in the image sensing optical system, in a case where said determination device judges that said image sensing apparatus is set in the first mode, in response to a completion of an image sensing operation of said image sensing apparatus.

107. (previously presented): An image sensing apparatus according to claim 105, wherein said determination device comprises a timer for causing said driving device to move in the image sensing optical system, in a case where said determination device judges that said image sensing apparatus is set in the first mode, a predetermined time period after a completion of an image sensing operation of said image sensing apparatus.

108. (previously presented): An image sensing apparatus according to claim 107, wherein in a case where the signal related to image sensing start is received again from the external unit during the predetermined time period, said determination device prevents said

driving device from moving in the image sensing optical system after the predetermined time period elapses.

109. (previously presented): An image sensing apparatus according to claim 102, wherein said determination device prevents said driving device from moving out the image sensing optical system in a case where said determination device judges that said image sensing apparatus is set in the first mode.

110. (previously presented): An image sensing apparatus according to claim 102, wherein in a case where said determination device judges that said image sensing apparatus is set in the first mode, said determination device causes the driving device to move in the image sensing optical system in response to a completion of an image sensing operation of said image sensing apparatus.

111. (previously presented): An image sensing apparatus according to claim 102, wherein said determination device comprises a timer for causing said driving device to move in the image sensing optical system a predetermined time period after a completion of an image sensing operation of said image sensing apparatus, in a case where said determination device judges that said image sensing apparatus is set in the first mode.

112. (previously presented): An image sensing apparatus according to claim 111, wherein in a case where a signal related to image sensing start is received from the external unit during the predetermined time period, said determination device prevents said driving device from moving in the image sensing optical after the predetermined time period elapses.

113. (previously presented): An image sensing apparatus according to claim 102, wherein in a case where said determination device judges that said image sensing apparatus is in

the third mode, said determination device prevents said driving device from moving out the image sensing optical system.

114. (previously presented): An image sensing apparatus according to claim 102, further comprising:

an operation device that selectively sets said apparatus into the first mode, the second mode or the third mode, wherein said operation device is being provided at a position where a user can operate said operation device.

115. (previously presented): An image sensing apparatus according to claim 102, further comprising:

a signal processing device that converts an optical image formed by the optical system into an electrical signal for display in a case where said image sensing apparatus is set in the second mode.

116. (previously presented): An image sensing apparatus according to claim 102, wherein said determination device judges a state controlled by an external computer as the first state.

117. (previously presented): A camera, comprising:

a driving device that moves out and moves in a photographing optical system; and

a determination device that judges at least whether said camera is set in a first mode for being functionally connected with an external unit, whether said camera is set in a second mode for photographing without being functionally connected with the external unit, and whether said camera is set in a third mode for playback without being functionally connected with the external unit, individually, said determination device also determining an operation of said driving device in accordance with a judgment result of said determination device.

118. (previously presented): An image sensing apparatus, comprising:

a driving device that moves an image sensing optical system to image sensing and non image sensing regions; and

a determination device that judges at least whether said image sensing apparatus receives a signal related to image sensing from an external unit, whether said apparatus is set in an image sensing mode for image sensing without receiving the signal related to image sensing from the external unit, and whether said apparatus is set in a playback mode for playback without receiving the signal related to image sensing from the external unit, individually, said determination device also determining an operation of said driving device in accordance with a judgment result of said determination device.

119. (previously presented): An image sensing apparatus according to claim 118, wherein said determination device causes said driving device to move the image sensing optical system to the image sensing region, in a case where said determination device judges that said image sensing apparatus receives the signal related to image sensing from the external unit.

120. (previously presented): An image sensing apparatus according to claim 118, wherein said determination device causes said driving device to move the image sensing optical system to the image sensing region, in a case where said determination device judges that said image sensing apparatus receives the signal related to image sensing from the external unit, in response to a reception of a signal related to image sensing start from the external unit.

121. (previously presented): An image sensing apparatus according to claim 120, wherein said determination device causes said driving device to move the image sensing optical system to the non image sensing region, in a case where said determination device judges that

said image sensing apparatus receives the signal related to image sensing from the external unit, in response to a completion of an image sensing operation of said image sensing apparatus.

122. (previously presented): An image sensing apparatus according to claim 120, wherein said determination device comprises a timer for causing said driving device to move the image sensing optical system to the non image sensing region, in a case where said determination device judges that said image sensing apparatus receives the signal related to image sensing from the external unit, a predetermined time period after a completion of an image sensing operation of said image sensing apparatus.

123. (previously presented): An image sensing apparatus according to claim 122, wherein in a case where the signal related to image sensing start is received again from the external unit during the predetermined time period, said determination device prevents said driving device from moving the image sensing optical system to the non image sensing region after the predetermined time period elapses.

124. (previously presented): An image sensing apparatus according to claim 118, wherein said determination device prevents said driving device from moving the image sensing optical system to the image sensing region in a case where said determination device judges that said image sensing apparatus receives the signal related to image sensing from the external unit.

125. (previously presented): An image sensing apparatus according to claim 118, wherein in a case where said determination device judges that said image sensing apparatus receives the signal related to image sensing from the external unit, said determination device causes said driving device to move the image sensing optical system to the non image sensing in response to a completion of an image sensing operation of said image sensing apparatus.

126. (previously presented): An image sensing apparatus according to claim 118, wherein said determination device comprises a timer for causing said driving device to move the image sensing optical system to the non image sensing region a predetermined time period after a completion of an image sensing operation of said image sensing apparatus, in a case where said determination device judges that said image sensing apparatus receives the signal related to image sensing from the external unit.

127. (previously presented): An image sensing apparatus according to claim 118, wherein in a case where a signal related to image sensing start is received from the external unit during the predetermined time period, said determination device prevents said driving device from moving the image sensing optical system to the non image sensing region after the predetermined time period elapses.

128. (previously presented): An image sensing apparatus according to claim 118, wherein in a case where said determination device judges that said image sensing apparatus is in the playback mode, said determination device prevents said driving device from moving the image sensing optical system to the image sensing region.

129. (previously presented): An image sensing apparatus according to claim 118, further comprising:

an operation device that selectively sets said apparatus into a mode for receiving the signal related to image sensing from the external unit, the image sensing mode or the playback mode, wherein said operation device is provided at a position where a user can operate said operation device.

130. (previously presented): An image sensing apparatus according to claim 118, further comprising:

a signal processing device that converts an optical image formed by the optical system into an electrical signal for display in a case where said image sensing apparatus is set in the image sensing mode.

131. (previously presented): An image sensing apparatus according to claim 118, wherein said determination device judges a state controlled by an external computer as the first state.

132. (previously presented): A camera, comprising:

a driving device that moves a photographing optical system to photographing and non photographing regions; and

a determination device that judges at least whether said camera receives a signal related to photographing from an external unit, whether said camera is set in a photographing mode for photographing without receiving the signal related to photographing from the external unit, and whether said camera is set in a playback mode for playback without receiving the signal related to photographing from the external unit, individually, said determination device also determining an operation of said driving device in accordance with a judgment result of said determination device.

133. (previously presented): An image sensing apparatus, comprising:

a driving device that moves out and moves in an image sensing optical system; and

a determination device that judges at least whether said image sensing apparatus receives a signal related to image sensing from an external unit, whether said apparatus is set in an image sensing mode for image sensing without receiving the signal related to image sensing from the external unit, and whether said apparatus is set in a playback mode for playback without receiving the signal related to image sensing from the external unit, individually, said said

determination device also determining an operation of said driving device in accordance with a judgment result of said determination device.

134. (previously presented): An image sensing apparatus according to claim 133, wherein in a case where said determination device judges that said image sensing apparatus receives the signal related to image sensing from the external unit, said determination device causes said driving device to move out the image sensing optical system.

135. (previously presented): An image sensing apparatus according to claim 133, wherein said determination device causes said driving device to move out the image sensing optical system, in a case where said determination device judges that said image sensing apparatus receives the signal related to image sensing from the external unit, in response to a reception of a signal related to image sensing start from the external unit.

136. (previously presented): An image sensing apparatus according to claim 135, wherein said determination device causes said driving device to move in the image sensing optical system, in a case where said determination device judges that said image sensing apparatus receives the signal related to image sensing from the external unit, in response to a completion of an image sensing operation of said image sensing apparatus.

137. (previously presented): An image sensing apparatus according to claim 135, wherein said determination device comprises a timer for causing said driving device to move in the image sensing optical system, in a case where said determination device judges that said image sensing apparatus receives the signal related to image sensing from the external unit, a predetermined time period after a completion of an image sensing operation of said image sensing apparatus.

138. (previously presented): An image sensing apparatus according to claim 137, wherein in a case where the signal related to image sensing start is received again from the external unit during the predetermined time period, said determination device proven said driving device from moving in the image sensing optical system after the predetermined time period elapses.

139. (previously presented): An image sensing apparatus according to claim 133, wherein said determination device prevents said driving device from moving out the image sensing optical system in a case where said determination device judges that said image sensing apparatus receives the signal related to image sensing from the external unit.

140. (previously presented): An image sensing apparatus according to claim 133, wherein in a case where said determination device judges that said image sensing apparatus receives the signal related to image sensing from the external unit, said determination device causes said driving device to move in the image sensing optical system in response to a completion of an image sensing operation of said image sensing apparatus.

141. (previously presented): An image sensing apparatus according to claim 133, wherein said determination device comprises a timer for causing said driving device to move in the image sensing optical system a predetermined time period after a completion of an image sensing operation of said image sensing apparatus, in a case where said determination device judges that said image sensing apparatus receives the signal related to image sensing from the external unit.

142. (previously presented): An image sensing apparatus according to claim 141, wherein in a case where a signal related to image sensing start is received from the external unit

during the predetermined time period, said determination device prevents said driving device from moving in the image sensing optical after the predetermined time period elapses.

143. (previously presented): An image sensing apparatus according to claim 133, wherein in a case where said determination device judges that said image sensing apparatus is in the playback mode, said determination device prevents said driving device from moving out the image sensing optical system.

144. (previously presented): An image sensing apparatus according to claim 133, further comprising:

an operation device that selectively sets said apparatus into a mode for receiving the signal related to image sensing from the external unit, the image sensing mode or the playback mode, wherein said operation device is provided at a position where a user can operate said operation device.

145. (previously presented): An image sensing apparatus according to claim 133, further comprising:

a signal processing device that converts an optical image formed by the optical system into an electrical signal for display in a case where said image sensing apparatus is set in the image sensing mode.

146. (previously presented): An image sensing apparatus according to claim 133, wherein said determination device judges a state controlled by an external computer as the first state.

147. (previously presented): A camera, comprising:

a driving device that moves out and moves in a photographing optical system; and

a determination device that judges at least whether said camera receives a signal related to photographing from an external unit, whether said camera is set in a photographing mode for photographing without receiving the signal related to photographing from the external unit, and whether said camera is set in a playback mode for playback without receiving the signal related to photographing from the external unit, individually, said determination device also determining an operation of said driving device in accordance with a judgment result of said determination device.

148. (previously presented): A control method for an image sensing apparatus having a driving device that moves an image sensing optical system to image sensing and non image sensing regions; said method comprising the steps of:

judging at least whether said image sensing apparatus is in a first state of being functionally connected with an external unit, whether said apparatus is in a second state for image sensing without being functionally connected with the external unit, and whether said apparatus is in a third state for playback without being functionally connected with the external unit, individually; and

determining an operation of said driving device in accordance with a judgment result of said judging step.

149. (previously presented): A control method for a camera having a driving device that moves a photographing optical system to photographing and non photographing regions, said method comprising the steps of:

judging at least whether said camera is in a first state of being functionally connected with an external unit, whether said camera is in a second state for photographing without being

functionally connected with the external unit, and whether said camera is in a third state for playback without being functionally connected with the external unit, individually; and

determining an operation of said driving device in accordance with a judgment result of said judging step.

150. (previously presented): A control method for an image sensing apparatus having a driving device that moves out and moves in an image sensing optical system, said method comprising the steps of:

judging at least whether said image sensing apparatus is in a first state of being functionally connected with an external unit, whether said apparatus is in a second state for image sensing without being functionally connected with the external unit, and whether said apparatus is in a third state for playback without being functionally connected with the external unit, individually; and

determining an operation of said driving device in accordance with a judgment result of said judging step.

151. (previously presented): A control method for a camera having a driving device that moves out and moves in a photographing optical system, said method comprising the steps of:

judging at least whether said camera is in a first state of being functionally connected with an external unit, whether said camera is in a second state for photographing without being functionally connected with the external unit, and whether said camera is in a third state for playback without being functionally connected with the external unit, individually; and

determining an operation of said driving device in accordance with a judgment result of said judging step.

152. (previously presented): A control method for an image sensing apparatus having a driving device that moves an image sensing optical system to image sensing and non image sensing regions, said method comprising the steps of:

judging at least whether said image sensing apparatus is in a first state of being functionally connected with an external unit, whether said apparatus is in a second state for image sensing without being functionally connected with the external unit, and whether said apparatus is in a third state for playback without being functionally connected with the external unit, individually; and

determining an operation of said driving device in accordance with a judgment result of in said judging step.

153. (previously presented): A control method for a camera having a driving device that moves a photographing optical system to photographing and non photographing regions, said method comprising the steps of:

judging at least whether said camera is set in a first mode for being functionally connected with an external unit, whether said camera is set in a second mode for photographing without being functionally connected with the external unit, and whether said camera is set in a third mode for playback without being functionally connected with the external unit, individually; and

determining an operation of said driving device in accordance with a judgment result of said judging step.

154. (previously presented): A control method for an image sensing apparatus having a driving device that moves out and moves in an image sensing optical system, said method comprising the steps of:

judging at least whether said image sensing apparatus receives a signal related to image sensing from an external unit, whether said apparatus is set in an image sensing mode for image sensing without receiving the signal related to image sensing from the external unit, and whether said apparatus is set in a playback mode for playback without receiving the signal related to image sensing from the external unit, individually; and

determining an operation of said driving device in accordance with a judgment result of in said judging step.

155. (previously presented): A control method for a camera having a driving device that moves out and moves in a photographing optical system, said method comprising the steps of:

judging at least whether said camera is set in a first mode for being functionally connected with an external unit, whether said camera is set in a second mode for photographing without being functionally connected with the external unit, and whether said camera is set in a third mode for playback without being functionally connected with the external unit

determining an operation of said driving device in accordance with a judgment result of said judging step.

156. (previously presented): A control method for an image sensing apparatus having a driving device that moves an image sensing optical system to image sensing and non image sensing regions, said method comprising the steps of:

judging at least whether said image sensing apparatus receives a signal related to image sensing from an external unit, whether said apparatus is set in an image sensing mode for image sensing without receiving the signal related to image sensing from the external unit, and whether said apparatus is set in a playback mode for playback without receiving the signal related to image sensing from the external unit, individually; and

determining an operation of said driving device in accordance with a judgment result of in said judging step.

157. (previously presented): A control method for a camera having a driving device that moves a photographing optical system to photographing and non photographing regions, said method comprising the steps of:

judging at least whether said camera receives a signal related to photographing from an external unit, whether said camera is set in a photographing mode for photographing without receiving the signal related to photographing from the external unit and whether said camera is set in a playback mode for playback without receiving the signal related to photographing from the external unit, individually; and

determining an operation of said driving device in accordance with a judgment result of said judging step.

158. (previously presented): A control method for an image sensing apparatus having a driving device that moves out and moves in an image sensing optical system, said method comprising the steps of:

judging at least whether said image sensing apparatus is set in a first mode for being functionally connected with an external unit, whether said apparatus is set in a second mode for image sensing without being functionally connected with the external unit, and whether said apparatus is set in a third mode for playback without being functionally connected with the external unit, individually; and

determining an operation of said driving device in accordance with a judgment result of said judging step.

159. (previously presented): A control method for a camera having a driving device that moves out and moves in a photographing optical system, said method comprising the steps of:

judging at least whether said camera receives a signal related to photographing from an external unit, whether said camera is set in a photographing mode for photographing without receiving the signal related to photographing from the external unit, and whether said camera is set in a playback mode for playback without receiving the signal related to photographing from the external unit, individually; and

determining an operation of said driving device in accordance with a judgment result of in said judging step.

160. (previously presented): An image sensing apparatus according to claim 65, wherein in a case where said determination device judges that said image sensing apparatus is in the second state, said determination device causes said driving device to move the image sensing optical system to the image sensing region.

161. (previously presented): An image sensing apparatus according to claim 54, wherein in a case where said determination device judges that said image sensing apparatus is in the third state, said determination device positions the image sensing optical system in the non image sensing region.

162. (previously presented): An image sensing apparatus according to claim 161, wherein in a case where said determination device judges that said image sensing apparatus is in the second state, said determination device causes said driving device to move the image sensing optical system to the image sensing region.

163. (previously presented): An image sensing apparatus according to claim 81, wherein in a case where said determination device judges that said image sensing apparatus is in the third

state, said determination device causes said driving device to move out the image sensing optical system.

164. (previously presented): An image sensing apparatus according to claim 97, wherein in a case where said determination device judges that said image sensing apparatus is in the second mode, said determination device causes said driving device to move the image sensing optical system to the image sensing region.

165. (previously presented): An image sensing apparatus according to claim 86, wherein in a case where said determination device judges that said image sensing apparatus is in the third mode, said determination device positions the image sensing optical system in the non image sensing region.

166. (previously presented): An image sensing apparatus according to claim 165, wherein in a case where said determination device judges that said image sensing apparatus is in the second mode, said determination device causes said driving device to move the image sensing optical system to the image sensing region.

167. (previously presented): An image sensing apparatus according to claim 113, wherein in a case where said determination device judges that said image sensing apparatus is in the third mode, said determination device causes said driving device to move out the image sensing optical system.

168. (previously presented): An image sensing apparatus according to claim 128, wherein in a case where said determination device judges that said image sensing apparatus is in the image sensing mode, said determination device causes said driving device to move the image sensing optical system to the image sensing region.

169. (previously presented): An image sensing apparatus according to claim 118, wherein in a case where said determination device judges that said image sensing apparatus is in the playback mode, said determination device positions the image sensing optical system in the non image sensing region.

170. (previously presented): An image sensing apparatus according to claim 169, wherein in a case where said determination device judges that said image sensing apparatus is in the second mode, said determination device causes said driving device to move the image sensing optical system to the image sensing region.

171. (previously presented): An image sensing apparatus according to claim 143, wherein in a case where said determination device judges that said image sensing apparatus is in the image sensing mode, said determination device causes said driving device to move out the image sensing optical system.

172. (previously presented): An image sensing apparatus according to claim 1, wherein said determination device positions said image sensing optical system in the non image sensing region, in a case where said determination device judges that said apparatus is in the playback state.

173. (previously presented): An image sensing apparatus according to claim 172, wherein in a case where said determination device judges that said image sensing apparatus is in the image sensing state, said determination device causes said driving device to drive said image sensing optical system in the image sensing region.

174. (previously presented): An image sensing apparatus according to claim 1, wherein in a case where said determination device judges that said image sensing apparatus is in the

playback state, said determination device prevents said driving device from driving said image sensing optical system in the image sensing region.

175. (previously presented): An image sensing apparatus according to claim 174, wherein in a case where said determination device judges that said image sensing apparatus is in the image sensing state, said determination device causes said driving device to drive said image sensing optical system in the image sensing region.

176. (previously presented): An image sensing apparatus according to claim 20, wherein in a case where said determination device judges that said image sensing apparatus is in the playback state, said determination device prevents said driving device driving said image sensing optical system in the extending direction.

177. (previously presented): An image sensing apparatus according to claim 176, wherein said determination device causes said driving device to drive said image sensing optical system in the extending direction, in a case where said determination device determines that said image sensing apparatus is in the image sensing state.

IX – EVIDENCE APPENDIX

None

X – RELATED PROCEEDINGS APPENDIX

None